

REMARKS

1. Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action of October 1, 2007. Claims 1, 3-11, 13-19, 21-25, and 27-32 remain pending in the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. Telephone Interview Summary

Applicant first wishes to express his sincere appreciation for the time that Examiner Bengzon spent with Applicant's Attorney, Mr. Charles W. Griggers, during a telephone discussion on December 19, 2007 regarding the outstanding Office Action. During the discussions, proposed arguments and amendments were discussed regarding the outstanding rejection (which are contained herein). The Examiner indicated that the proposed arguments and amendments were potentially beneficial. Accordingly, Applicant respectfully requests the Examiner to consider the present response.

3. Response to Rejections of Claims under 35 U.S.C. §101

Claims 24-32 have been rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. Independent claim 24, as presented, recites a computer readable storage medium that is a physical structure and has a program that may be executed by a computer.

Applicant notes that it is the view of the Patent Office that:

[t]he computer readable medium must be physical structure which provides the functional descriptive material in usable form to permit the functionality to be realized with the computer. A program product which does not explicitly include such a medium, a program per se, a signal or other type of transmission media that fails to include the hardware necessary to realize the functionality (e.g., a transmitter or a receiver), and a piece of paper with the functional descriptive material written on it are all examples of media which are not believed to enable the functionality to be realized with the computer.

See http://www.uspto.gov/web/offices/pac/compexam/interim_guide_subj_matter_

eligibility.html (Emphasis added). Accordingly, independent claims 24 as presented complies with applicable patent laws and rules, since it recites a computer readable that is a physical structure which provides functional descriptive material in usable form to permit the functionality to be realized with a computer.

For at least this reason, withdrawal of the rejection of independent claim 24 and dependent claims 25-32 is respectfully requested.

4 Response to Rejections of Claims under 35 U.S.C. §102

Claims 1-22 and 24-32 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Persels* (U.S. Patent No. 7,065,547).

a. Claim 1

As provided in independent claim 1, Applicant claims:

A file handling system, comprising:
a terminating file transfer server operable to receive a file transfer message from an originating file transfer server, the file transfer message including details about the transfer including a local user and at least one filename;

an agent operable to read the file transfer message, and direct the transfer of at least one file associated with said at least one filename to a home directory associated with the local user, the agent further configured to transfer the at least one filename in accordance with instructions from a configuration file residing in the home directory; and

the configuration file residing in the home directory, and operable to instruct the agent to transfer said at least one file to a remote host, wherein the configuration file comprises a host name and a port name of the remote host.

(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Persels* does not disclose, teach, or suggest at least “an agent operable to read the file transfer message, and direct the transfer of at least one file associated with said at least one filename to a home directory associated with the local user, the agent further configured to transfer the at least one filename in accordance with instructions from a configuration file residing in the home directory; and the

configuration file residing in the home directory, and operable to instruct the agent to transfer said at least one file to a remote host, wherein the configuration file comprises a host name and a port name of the remote host,” as emphasized above.

In reviewing the reference, *Persels* describes that “the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines whether the partner eDIRECTTM is ‘checked in’ (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is considered to be listening if it has sent the eFORWARD Server a message within the previous ‘n’ minutes advising it of the IP address and port number on which it is listening. The number of minutes, ‘n’, is an installation parameter.” Col. 6, lines 6-24 (Emphasis added).

As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. Accordingly, *Persels* fails to teach or suggest at least “an agent operable to read the file transfer message, and direct the transfer of at least one file associated with said at least one filename to a home directory associated with the local user, the agent further configured to transfer the at least one filename in accordance with instructions from a configuration file residing in the home directory; and the configuration file residing in the home directory, and operable to instruct the agent to transfer said at least one file to a remote host, wherein the configuration file comprises a host name and a port name of the remote host,” as recited in claim 1.

Accordingly, claim 1 is not anticipated by *Persels*, and the rejection of claim 1 should be withdrawn.

b. Claims 2-9

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 3-9 depend from claim 1 and recite additional features, claims 3-9 are allowable as a matter of law over the cited art of record.

Claim 2 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

c. Claim 10

As provided in independent claim 10, Applicant claims:

A method of handling files on a Connect:Direct server, comprising:
receiving a file transfer message from an originating file transfer server;

determining a home directory from a local user associated with the file transfer message;

storing at least one file associated with the file transfer message in the home directory;

retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and

transmitting said at least one file responsive to the configuration file.

(Emphasis added).

Applicant respectfully submits that independent claim 10 is allowable for at least the reason that *Persels* does not disclose, teach, or suggest at least “retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file,” as emphasized above.

In reviewing the reference, *Persels* describes that “the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines

whether the partner eDIRECT™ is 'checked in' (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is considered to be listening if it has sent the eFORWARD Server a message within the previous 'n' minutes advising it of the IP address and port number on which it is listening. The number of minutes, 'n', is an installation parameter." Col. 6, lines 6-24 (Emphasis added).

As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. Accordingly, *Persels* fails to teach or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file," as recited in claim 10.

Accordingly, claim 10 is not anticipated by *Persels*, and the rejection of claim 10 should be withdrawn.

d. Claims 11-18

For at least the reasons given above, claim 10 is allowable over the cited art of record. Since claims 11 and 13-18 depend from claim 10 and recite additional features, claims 11 and 13-18 are allowable as a matter of law over the cited art of record.

Claim 12 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

e. Claim 19

As provided in independent claim 19, Applicant claims:

A Connect:Direct file handling system, comprising:
a terminating file transfer server;
an agent; and
a configuration file;

the terminating file transfer server being operable to launch the agent upon receipt of a file transfer message, the file transfer message comprising a local username and at least one filename, and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, and transfer said at least one file to a remote host specified by the configuration file, wherein the configuration file is operable to store a host name and a port number associated with the remote host.

(Emphasis added).

Applicant respectfully submits that independent claim 19 is allowable for at least the reason that *Persels* does not disclose, teach, or suggest at least “the terminating file transfer server being operable to launch the agent upon receipt of a file transfer message, the file transfer message comprising a local username and at least one filename, and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, and transfer said at least one file to a remote host specified by the configuration file, wherein the configuration file is operable to store a host name and a port number associated with the remote host,” as emphasized above.

In reviewing the reference, *Persels* describes that “the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines whether the partner eDIRECTTM is ‘checked in’ (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is

retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is considered to be listening if it has sent the eFORWARD Server a message within the previous 'n' minutes advising it of the IP address and port number on which it is listening. The number of minutes, 'n', is an installation parameter.” Col. 6, lines 6-24 (Emphasis added).

As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. Accordingly, *Persels* fails to teach or suggest at least “the terminating file transfer server being operable to launch the agent upon receipt of a file transfer message, the file transfer message comprising a local username and at least one filename, and the agent being operable to direct the transfer of at least one file associated with the filename to a home directory associated with the username, the agent being further operable to read the configuration file, and transfer said at least one file to a remote host specified by the configuration file, wherein the configuration file is operable to store a host name and a port number associated with the remote host,” as recited in claim 19.

Accordingly, claim 19 is not anticipated by *Persels*, and the rejection of claim 19 should be withdrawn.

f. Claims 20-22

For at least the reasons given above, claim 19 is allowable over the cited art of record. Since claims 21-22 depend from claim 19 and recite additional features, claims 21-22 are allowable as a matter of law over the cited art of record.

Claim 20 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

g. Claim 24

As provided in independent claim 24, Applicant claims:

A computer readable storage medium having a program for handling files on a Connect:Direct server, wherein the computer readable storage medium is a physical structure and the program is operable, when executed by a computer to perform:

receiving a file transfer message from an originating file transfer server;

determining a home directory from a local user associated with the file transfer message;

storing at least one file associated with the file transfer message in the home directory;

retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and

transmitting said at least one file responsive to the configuration file.

(Emphasis added).

Applicant respectfully submits that independent claim 24 is allowable for at least the reason that *Persels* does not disclose, teach, or suggest at least “retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file,” as emphasized above.

In reviewing the reference, *Persels* describes that “the eFORWARD ServerSM 12 will invoke an intermediate process specified below. Immediately upon receipt of the message by the eFORWARD serverSM 12, the eFORWARD serverSM 12 determines whether the partner eDIRECTTM is ‘checked in’ (i.e. listening). If so, contact with a listening eDIRECT clientSM is attempted by sending a short message to the specified IP address and listening port. If a destination eDIRECTSM client responds, then the message is immediately delivered and so marked in the eFORWARD Server database 24. If the partner iBoxSM eDIRECT client does not respond, then the message is retained in the eFORWARD database 24 until the partner iBoxSM eDIRECT client contacts the eFORWARD Server 12 and requests delivery. An iBox eDIRECT Client is considered to be listening if it has sent the eFORWARD Server a message within the previous ‘n’ minutes advising it of the IP address and port number on which it is

listening. The number of minutes, 'n', is an installation parameter." Col. 6, lines 6-24 (Emphasis added).

As such, *Persels* does not disclose that a configuration file residing in a home directory comprises a host name and port name of the remote host where a file is transferred. Accordingly, *Persels* fails to teach or suggest at least "retrieving a configuration file from the home directory, wherein the configuration file comprises a host name and a port name of a remote host; and transmitting said at least one file responsive to the configuration file," as recited in claim 24.

Accordingly, claim 24 is not anticipated by *Persels*, and the rejection of claim 24 should be withdrawn.

h. Claims 25-32

For at least the reasons given above, claim 24 is allowable over the cited art of record. Since claims 25 and 27-32 depend from claim 24 and recite additional features, claims 25 and 27-32 are allowable as a matter of law over the cited art of record.

Claim 26 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to the claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

5. Response to Rejections of Claims under 35 U.S.C. §103

Claim 23 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Persels*. The Office Action states that recited features of the dependent claim are well known in the networking arts. Applicant respectfully traverses this finding.

Per MPEP 2144.03(A), "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." (Emphasis added). Also, per MPEP 2144.03(B), "If such notice is taken, the

basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge.”

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, “the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons.” Therefore, if this rejection is maintained, Applicant respectfully requests that document(s) be provided as support.

Notwithstanding the above traversal, all of the claimed features of independent claim 19 are not taught and suggested by *Perseis*, as previously discussed. Since claim 23 depends from claim 19 and recites additional features, claim 23 is allowable as a matter of law over the cited art.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicant reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicant. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

/CWG/

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